

MARIO P. LOVATO
 Nevada Bar No. 7427
 LOVATO LAW FIRM, P.C.
 7465 W. Lake Mead Blvd. Ste. 100
 Las Vegas, Nevada 89128
 T: (702) 979-9047
 mpl@lovatolaw.com
 Attorney for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL RENO, ERIC KIEFABER,)
 DENNIS RHOADES, JASON HARRIS,)
 PREMIER TAMAYO, WILFREDO)
 ALLANIGUE, and ARIES BIHASA,)

CASE NO. 2:18-CV-840-APG-BNW

Plaintiffs,

vs.

WESTERN CAB COMPANY, HELEN
 TOBMAN MARTIN, MARILYN
 TOBMAN MORAN, JANIE TOBMAN
 MOORE, MARTHA SARVER, and
 JASON AWAD,

Defendants.

DEFENDANTS' MOTION TO EXTEND

Defendants, by and through counsel, move to extend the deadline, by one week, to file the response to Plaintiffs' Motion (#272) "to Compel Pursuant to This Court's Order of February 25, 2002" to **March 23, 2022**. In support, Defendants state the following:

In this Court's Order (#269), discovery via sampling methods was ordered. Further, this Court stated: "If the parties do not believe that 25% . . . to be statistically significant, they must meet and confer . . . If they cannot reach a resolution, they must file a motion to compel by March 10, 2022 that includes a declaration of an expert in statistics" *Id.* The Court also stated that a response, with expert declaration, would be due on March 16, 2022. *See id.*

After 5:00 p.m. on Thursday, March 10, 2022, Plaintiffs filed a motion to compel (#275), which sought full discovery, rather than sampling. On the following day, March 11, 2022, defense counsel sought to open and download the filing of the motion to compel, but the system was not

1 working. The document would not open via the system of electronic filing/service, and it also
 2 would not open via the Pacer system. Defense counsel attempted several times during March 11,
 3 2022 to open the document, without success. At docket 272, in requesting their own extension of
 4 time, Plaintiffs' counsel attested to the same difficulty with the Court's system on March 11, 2022.

5
 6 It was not until the following business day, Monday, March 14, 2022, that the document
 7 could be opened / downloaded, which left only left 2 days to file a response.

8
 9 In addition, the parties' prior meet-and-confer communications and correspondence did not
 10 provide notice of the Plaintiffs' statistics' expert, if any, who would assert argument in support
 11 thereof. In Plaintiffs' prior communications / correspondence, Plaintiffs stated they continued to
 12 seek full discovery, with no reference to any statistics expert. Thus, Plaintiffs' expert declaration
 13 was not available or known until 2 days prior to the March 16 due date for a response.

14 This Court has set, via minute order (#275), a hearing on May 9, 2022 for Plaintiffs'
 15 motion. Allowing an additional 7 days will still allow more than enough time for the parties'
 16 filings to be reviewed prior to such hearing.

17
 18 Defendants request one additional to draft and file their response, such that the deadline
 19 would be **March 23, 2022**.

20 LOVATO LAW FIRM, P.C.

21 Mario Lovato
 22 MARIO P. LOVATO
 23 Nevada Bar No. 7427
 24 Attorney for Defendants

25 **ORDER**

26 Good cause shown, IT IS ORDERED that
 27 ECF No. 277 is GRANTED.

28 IT IS SO ORDERED

DATED: 5:36 pm, March 18, 2022



BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE